

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

TYRONE HENRY McMILLER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CIV-14-161-W
	)	
CORRECTIONS CORPORATION OF	)	
AMERICA et al.,	)	
	)	
Defendants.	)	

**ORDER**

On February 16, 2016, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation and recommended that the Motion for Temporary Restraining Order and a Preliminary Injunction filed by plaintiff Tyrone Henry McMiller be denied. McMiller, who is proceeding pro se, was advised of his right to object, see Doc. 102 at 4, but no objections have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of McMiller's motion. Temporary restraining orders and preliminary injunctions are extraordinary remedies, and McMiller has not shown that his "'right to relief . . . [is] clear and unequivocal.'" Schrier v. University of Colorado, 427 F.3d 1253, 1258 (10<sup>th</sup> Cir. 2005)(quotation and further citation omitted). The prison officials whose conduct is the subject of the instant motion are not parties and their conduct—refusal to provide certain prescribed medication—is not related to the events giving rise to this lawsuit. E.g., De Beers Consolidated Mines, Ltd. v. United States, 325 U.S. 212, 220 (1945)(preliminary injunction only appropriate to grant intermediate relief of same character as that which may ultimately be granted); Little v. Jones, 607 F.3d 1245, 1251 (10<sup>th</sup> Cir. 2010)(movant must

establish relationship between injury claimed in motion and conduct asserted in complaint).

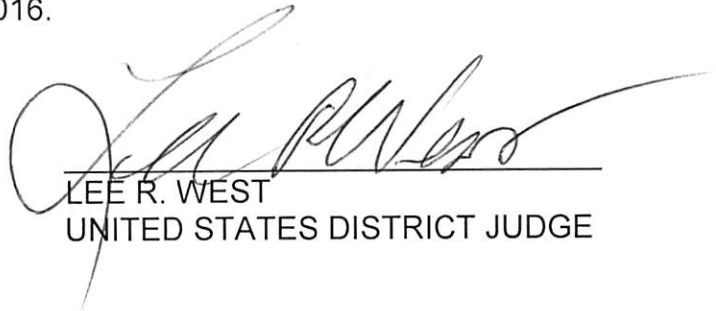
Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 102] issued on February 16, 2016;

(2) DENIES McMiller's Motion for Temporary Restraining Order and a Preliminary Injunction [Doc. 97] file-stamped September 28, 2015; and

(3) RE-REFERS this matter to Magistrate Judge Erwin for further proceedings.

ENTERED this 15<sup>th</sup> day of March, 2016.



LEE R. WEST  
UNITED STATES DISTRICT JUDGE